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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/053,448 04/10/98 MALLART

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EXAMINER

TM02/0131

US PHILIPS CORPORATION
CORPORATE PATENT COUNSEL
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VII, N

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TP

Office Action Summary

Application No.

09/053,448

Applicant(s)

MALLART ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is rejected to because claim 10 depends on itself. Examiner assumes that claim 10 depends on claim 9 since it recites **the apparatus**. So, the claim can be readable as "the apparatus of claim 9, being operative to render a 3D graphics model received from the server and to make the rendered model accessible to the end user while the end user has access to the communication channel." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Walker.

Regarding claim 1, Walker teaches a method of controlling communication to multiple end users at geographically different locations, comprising: in a broadcasting mode broadcasting content information for receipt by the end users (traditional broadcast TV); in a conferencing mode: enabling interconnecting at least one subset of the end users through a network; enabling interaction between the end users of the subset via the network (social chat and interaction are mixed with professional content and

programming to create online communities); and enabling switching between the broadcasting mode and the conference mode (professional broadcast television with the enduring appeal of audience chat and participation) (see page 149, abstract, 2nd paragraph of Shared spaces and Introduction section).

Regarding claim 2, Walker teaches the limitation of "while in the conference mode, broadcasting the interaction to another subset of the end-users" that reads on broadcasting television program with the enduring appeal of audience chat and participation of a group of participants or inhabitants (see page 149, Introduction).

Regarding claim 3, Walker discloses that switching is enabled by a specific event (special events) in the content information broadcasted (see page 149, 2nd paragraph of Shared Spaces).

Regarding claim 4, Walker discloses that the content information comprises video information (TV programs). Walker further discloses the limitations of "creating a graphics" of the video information and providing the graphics representation to the end users in the conference mode. Those are readable on professional content mixes with social conversation in a rich graphical environment (see page 149, 1st paragraph of Introduction).

Regarding claim 5, Walker teaches the limitation of "one or more specific ones of the end users in the subset is enabled to interactively modify the graphics representation" that reads on people are represented in a 3D environment by characters, and can move

around, converse and interact in a common context of information and applications (see page 149, 1st paragraph of Shared Spaces).

Regarding claim 6, Walker teaches the limitation of “while in the conferencing mode, the interaction is broadcasted to another subset of end users” that reads on broadcasting television program with the enduring appeal of audience chat and participation of a group of participants or inhabitants (see page 149, Introduction); and Walker teaches the limitation of “one or more specific ones of the end users in the subset is enabled to interactively modify the graphics representation” that reads on people are represented in a 3D environment by characters, and can move around, converse and interact in a common context of information and applications (see page 149, 1st paragraph of Shared Spaces).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Ely et al (US 5796424).

Regarding claim 7, Ely teaches a system for controlling communication between multiple end users at geographically different locations, comprising: a server (see Fig. 2, 104) comprises a transmission unit for broadcasting content information to the users (see Fig. 2), a trigger unit for triggering information of group of end users upon an event relating to

the broadcasting (see col. 9, lines 14-16, and col. 6, lines 5-8), a unit controlling the information of the group coupled to the trigger unit (see Fig. 2, 200); a respective one of multiple clients for a respective one of the end users, the clients being coupled to the server (see col. 7, lines 38-51), and each respective client being enabled to switch between making accessible to the respective end users the broadcasted content information and enabling entering a conference between the end users of the group via the client (selection buttons for various services provided by broadband network include conventional broadcast TV or videoconferencing) (see Fig. 6; and col. 10, lines 6-13).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ely et al (US 5796424) in view of Walker.

Regarding claim 8, Ely teaches the server comprising input for receiving video data (102) and output the video services or information to a remote user location (see Fig. 1B; and col. 5, lines 26-38). Ely fails to teach means for generating a graphics based on the video data. However, Walker discloses that in professional broadcast television, professional content mixes with social conversation in a rich graphical environment for audience interaction and participation (see Introduction, 1st paragraph). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ely by including graphical environment for audience interaction and participation in broadcast television system in order to present information in a more visually appealing manner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowse et al (US 5565910) and in view of Walker.

Regarding claim 9, Rowse discloses a client apparatus for use with a video server, comprising: a receiver for receiving a TV broadcast (television signals is received via the coupler 74); a coder for coding information (demodulator 82) (see col. 6, lines 51-55). Rowse does not specifically disclose that the information received via Internet, and the apparatus is operative to selectively control switching the apparatus between making accessible to user the broadcast or making accessible to the user a real time communication channel with another client in response to receipt a control signal from the server. However, Walker discloses that "inhabited TV" provides social chat and interaction are mixed with professional content and programming to create on-line (Internet) communities (see abstract). Furthermore, Walker discloses that users can log in with a user id and password to participate social chat and interaction (see page 154, 4th paragraph of Technical Implementation). Therefore, it would have been obvious to one of ordinary skill in the art to modify Rowse by including social chat and interaction in a TV with authenticated identity in order provide accesses to users, and give a facility to monitor their behavior during the social chat and interaction program.

Regarding claim 10, Rowse fails to teach limitation of rendering a 3D graphics model and making the rendered model accessible to the user while the user has access to the

communication channel. However, Walker discloses that social chat and interaction are mixed with professional content. Furthermore, professional content mixes with social conversation in a 3D graphical environment (see page 149, abstract, 1st paragraph of Introduction and 1st paragraph of Shared Spaces). Therefore, it would have been obvious to one of ordinary skill in the art to modify Rowse by including 3D graphical environment in chat and interaction program in order to present information in a more visually appealing manner.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Radenkovic et al discloses the idea of Inhabited TV as a medium for entertainment and social communication which combines collaborative virtual environments with broadcast TV. Fauth et al discloses performance and usability of a shared virtual environments or shared spaces. Monteiro et al disclose teaches a multicasting method and apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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January 26, 2001

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ANDREW FAILE

SUPERVISORY PATENT EXAMINER
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